

**VILLAGE of SUGAR GROVE
SPECIAL MEETING of the
PLANNING COMMISSION/ZONING BOARD of APPEALS
MINUTES of September 23, 2015**

1. CALL TO ORDER

The meeting of the Sugar Grove Planning Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Ochsenschlager in the Village Hall Board meeting room.

2. ROLL CALL

Planning commission/ZBA members present:

Irv Ochsenschlager, Jim Eckert, John Guddendorf, Rebecca Sabo, Heidi Lendi, Gregory Wilson, and Halle Cox (first meeting)

Absent: None

Also present: Mike Ferencak, Village Planner and Walter Magdziarz, Community Development Director

3. PUBLIC HEARING

a. Petition 15-013: Drive-thru Facilities – Text Amendment (Village of Sugar Grove)

Chairman Ochsenschlager called the public hearing to order. No public were in attendance. **Staff** informed the Commission of the purpose of the amendment which is to make drive-thru facilities a matter of right in the commercial districts. Currently they are a special accessory use requiring approval by the Plan Commission. They will still be an accessory use but will have standards for the design and operation in the code. This would be for any and all drive-ups or drive-thrus: restaurants, banks, pharmacies etc. This amendment would not allow a drive-thru next to any residential. The menu boards and other display portions would be given general design standards. The sign ordinance limits the number of menu boards and the area allowed.

In Petition 15-006, the principal use table will be modified to remove any mention of drive-thrus, such as where they are listed with restaurants as a Special Use.

Public Comments/Questions: None

Chairman Ochsenschlager closed the public hearing on petition 15-013.

b. Petition 15-014: Zoning Variations – Text Amendment (Village of Sugar Grove)

Chairman Ochsenschlager called the public hearing to order. No public were in attendance. **Staff** informed the Commission of the purpose of the proposed amendment which is to address a short coming in the zoning ordinance allowing for

certain variations from the regulations. This amendment identifies a specific list of authorized variations and a period of validity. This would include setbacks, building height, lot coverage, parking setbacks, computation of required parking, etc. But it would not allow for variations from design items.

An additional piece is related to the posting of the proposed zoning change on the physical property. Presently the applicant is responsible for getting the sign made and posting on the property. Staff is proposing that the Village will provide the sign but the applicant would be responsible for posting the sign on the property. Also, proposed is a more generic format for the sign so that it's clearer that some change is being proposed for the property but they won't need to stop to try and read fine print for the specifics.

Also, in the Zoning Ordinance, currently there are four entities that have some responsibility for making recommendations or decisions for zoning variations including the Village Board, Zoning Board of Appeals (ZBA), Planning Commission (but limited for Planned Unit Developments) and Hearing Officer. The Hearing Officer hasn't been used for a long time. In the future, there may be a proposal to change this by eliminating the Hearing Officer. Technically the Community Development Director is responsible for enforcing the Zoning Ordinance but as Hearing Officer the responsibility is to consider variations to the Zoning Ordinance. Since the Community Development Director is the Hearing Officer that could be a conflict. Other communities that use a Hearing Officer usually use an outside source like their attorney, not a staff person. It should be someone not responsible for enforcing the Zoning Ordinance and a third party. Currently, this Officer's role is very limited – to encroachments on easements, so it could be expanded in the future if the Village Board chooses to keep it. The ZBA and Planning Commission are currently combined but that could be changed as well. The timeline and process is set by ordinance and State Statute for both the Hearing Officer and the ZBA/Planning Commission. There's no way to avoid the process in order to obtain a variance. Currently staff assists the applicant in modifying plans to avoid requests for variances.

Public Comments/Questions: None

Chairman Ochsenschlager closed the public hearing on petition 15-014.

4. OLD BUSINESS

None

5. NEW BUSINESS

- a. Petition 15-013: Drive-thru Facilities – Text Amendment (Village of Sugar Grove)

Uses such as Sonic restaurants (drive-ins) would be considered as a principal use not an accessory use. Sub-section D. should be 'Drive-thru facilities changed to...'.

Remove 'phone booths' from Vending Machines, sub-section N. 2. Sub-section N. 4. A. 1. Should be '...adjacent to any...'.

Different types of drive-thru style lanes were discussed including escape lanes, raised curbs and multiple lanes. A remodel of an existing use would not necessarily trigger these requirements to apply. Only if a new drive-thru was being added or the parking lot configuration was changing would these requirements apply. After much discussion the Commission determined to add to sub-section N. 4. B. 5. - 'escape lane required when there is a landscaped curb'.

A motion was made by Commissioner Guddendorf and seconded by Commissioner Eckert to recommend to the Village Board the amendment of Section 11-4-7 Accessory Uses, Structures, and Buildings and other sections of the Village's Zoning Ordinance pertaining to drive-thru facilities including changes noted to sub-sections N-2, N-4-A-1, and N-4-B-5 and keeping the term 'drive-thru' consistent throughout the document.

The motion carried by unanimous voice vote.

b. Petition 15-014: Zoning Variations – Text Amendment (Village of Sugar Grove)

The signs currently used for posting are site specific and can't be used for anything else and the cost is covered by the applicant. The proposed more generic signs will be able to be used for multiple sites over and over again and be paid for by the Village. A deposit collected until the sign is returned can be performed administratively.

Consistency of title needs to be used throughout, by Ordinance it is the Planning Commission. Watch capitalization.

Staff advises that the majority of the variations that will be handled will fall within the Authorized Variation guidelines proposed. In reality there needs to be some limitation to what will be allowed in variation. The Village calculates the percentages. These are variations that could be granted. If the amount of variation is greater than these, staff then has direction that it cannot be granted and is not possible. Deviations as part of a PUD are not variations as applicable here and are written for specific commercial developments and subdivisions.

Under 11-13-10 E. Hearing and Notice, 2. Remove the second 'shall' and add 'prescribes'.

Under 11-13-10 F. Standards for Granting a Variation under, 2. f. Noise was not listed because there is no variance proposed for it.

Under 11-13-10 G. Decisions for Variations, 4. The concurring vote of members at the meeting is for the Planning Commission.

Throughout the amendment, capitalize 'President' and 'Village Board'. Throughout the amendment, list time frames all in terms of months.

Under 11-13-8 D. Posting. The determination of number and location of posted signs by the building and zoning official was questioned. Staff said this would be determined with discretion on a case by case basis. Removal of signs by the applicant is within three (3) days from the Planning Commission Public Hearing.

Under 11-13-8-D Posting, at the end. The intent of '...if such absence is not the applicant's or petitioner's act or omission' refers to the situation where some disgruntled neighbor taking it down. That act will not delay the public hearing.

The signs should be seen from the street, 3'x4' or so in size. A minimum height may be required for the letters.

Under 11-13-10 F. Standards for Granting a Variation, 1. This refers to the Zoning Board of Appeals or Hearing Officer, not the Planning Commission. The Planning Commission would be acting as the Zoning Board of Appeals. The only situation where the Planning Commission can make recommendations on variations is with planning and development. The rules for varying the zoning regulations as part of a PUD are much looser than for the ZBA variations.

A motion was made by Commissioner Sabo and seconded by Commissioner Cox to recommend approval of the text amendment to sections 11-13-8 and 11-13-10 of the Village's Zoning Ordinance pertaining to the administration and enforcement of the regulations for variations and notice requirements for various requests, with the Commission's comments above.

c. Petition 15-006: Permitted and Special Uses – Text Amendment

This is a continuing discussion for the Planning Commission. **Staff** is looking for consensus. Highlighted are the uses that had a proposed change to them. If it's permitted, it's a 'P'. If it's proposed as a special use, it's an 'S'. Some say 'PS' because one person put a 'P' and one put an 'S'. A list of some additional uses that were suggested for combining or moving was attached as well. Staff will rearrange the use list alphabetically without any categories and also give a list with category listing. The zoning districts will be left off so just the uses can be reviewed at the next meeting. The purpose is to make this part of the Zoning Ordinance user friendly.

6. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION

Sugar Grove Senior Living - has paved, striped and extended their sidewalk to Walgreens.

Top Pick Athletics at 769 Heartland Drive - had its ground breaking October 1st.

Next meeting will be October 21, 2015.

7. ADJOURNMENT

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,
Holly Baker
Substitute Recording Secretary